

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
)	
Counties' Consolidated Complaint)	
_____)	

**MOTION FOR LEAVE TO FILE UNDER SEAL OF DEFENDANTS BRISTOL-MYERS
SQUIBB COMPANY AND ONCOLOGY THERAPEUTICS NETWORK
CORPORATION**

Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corporation (together, "BMS"), move this Court for leave to file under seal two volumes of exhibits (the "Exhibits") to a letter sent by plaintiff Ven-A-Care of the Florida Keys ("Ven-A-Care") to Dr. Bruce Vladeck of the Health Care Financing Administration ("HCFA") because plaintiff Ven-A-Care designated the Exhibits as "Highly Confidential" pursuant to the terms of the Protective Order entered by this Court on December 13, 2002. These Exhibits are the attachments to The BMS Defendants' Supplemental Reply In Support of Their Motion for Summary Judgment (Submitting Exhibits to the Ven-A-Care Letter of October 2, 1996), filed electronically today (without the Exhibits).

WHEREFORE, defendants respectfully request that this Court grant them leave to file the Exhibits under seal.

Dated: Boston, Massachusetts
May 18, 2006

Respectfully Submitted,

By: /s/ Jacob T. Elberg
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Attorneys for Defendants Bristol-Myers Squibb
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Corp.

CERTIFICATE OF SERVICE

I, Steven M. Edwards, hereby certify that on May 18, 2006, pursuant to Paragraph 11 of Case Management Order No. 2, I have caused to be served on all counsel of record a true and correct copy of the foregoing Motion For Leave To File Under Seal by electronic service, by sending a copy of same to Lexis/Nexis File and Serve for posting and notification to all parties.

/s/ Steven M. Edwards
Steven M. Edwards